

UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
ALEXANDRIA DIVISION

RICHARD J. BARINGER

CIVIL ACTION

VERSUS

NO.

JUDGE DRELL

UNITED STATES OF AMERICA,  
DEPARTMENT OF VETERANS AFFAIRS

MAGISTRATE JUDGE KIRK

COMPLAINT FOR DAMAGES

Plaintiff, **Richard J. Baringer** ("Baringer"), by counsel, brings this action against defendants and alleges and states as follows:

**I. STATEMENT OF PRELIMINARY FACTS, JURISDICTION AND VENUE**

1. Plaintiff Baringer is a United States citizen and has been a resident and citizen of the State of Louisiana at all times relevant to this action, and is now domiciled in Rapides Parish, Louisiana.
2. Petitioner brings this action pursuant to and in accord with the provisions of 28 U.S.C.A. § 1346(b) and 2671-2680, also known as the "Federal Tort Claims Act," (sometimes "FTCA").
3. Defendant, is the United States of America, Department of Veterans Affairs (sometimes the "VA"), possessing the power to sue and be sued pursuant to federal law, and particularly, the FTCA.
4. The VA is a "federal agency" within the meaning of that term pursuant to 28 U.S.C.A. § 2671.

5. Baringer has filed a claim with the VA pursuant to the appropriate administrative remedies, which claim was denied on January 18, 2012.
6. Baringer received notice of the denial of the administrative tort claim by certified letter from the VA dated January 18, 2012.
7. Accordingly, Baringer has until July 18, 2012, to bring this action in the United States District Court.
8. This Court has jurisdiction of this matter pursuant to the provisions of 28 U.S.C.A. § 1346.
9. Defendant VA, and unknown agents and/or employees of the VA, are responsible and liable to petitioner Baringer, for the actions described hereafter.

## **II. JURISDICTION**

10. The jurisdiction of this Court is invoked pursuant to 28 U.S.C. § 1346.

## **III. FACTS**

11. Petitioner Baringer is a veteran of the United States Armed Forces, and as such is entitled to medical services to be administered through the VA.
12. On or about April 18, 2011, Baringer was a patient at the VA Medical Center in Pineville, Rapides Parish, Louisiana.
13. On that date, and at approximately 1:00 p.m. while Baringer was waiting for the performance of a medical procedure, an unknown individual reported the possibility of a bacteria or viral infection at the medical facility in which Baringer was

located.

14. Unknown agents and/or employees of the VA instructed Baringer to completely disrobe, including instructions to remove all jewelry, and to undergo a "decontamination process." Baringer, at all times, complied fully with instructions and/or demands given by or made by these unknown agents and/or employees of the VA.
15. Baringer's property, including clothing, wallet, cash, and jewelry, was negligently lost or stolen by persons unknown to petitioner. At all times, that property was in the custody and under the garde of these unknown agents and/or employees of the VA.
16. Defendant VA, through the unknown agents and/or employees of the VA, are responsible for the loss or theft of petitioner's property, for the following, to-wit:
  - (a) Failing to provide sufficient and qualified personnel to supervise and adequately train employees on how to secure patient property; and
  - (b) Failing to secure the petitioner's property.
14. Petitioner has suffered total damages of \$25,633, which is the amount of the claim he made of the VA through the administrative process, and which was denied on January 18, 2012.

WHEREFORE, the petitioner claims the following:

- I. Damages of \$25, 633, and any other penalties, legal interest, attorney fees and/or costs which may be awarded

by law; and

II. Such other and further relief as this Court may deem appropriate in the premises.

Dated: \_\_\_\_\_ July 2012.

RESPECTFULLY SUBMITTED:

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